

SESSION LAWS OF 1884.

AN ACT

To Promote the Construction and Operating of Steam Railroads on the Island of Oahu.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior is hereby authorized, with the advice and consent of the King in Privy Council to grant Chas B. Wilson and his associates and successors, upon their fulfilling the necessary conditions therefor, as provided by the corporation Act of the Kingdom, a Charter of Incorporation, which shall in terms, confer upon such Corporation the privilege for the term of thirty years of constructing and operating entirely at the expense of such corporation without any subsidy or allowance from the Hawaiian Treasury, steam railroads for carrying passengers and freight, of not less than thirty inches gauge, under the powers, rights and liabilities set forth in an act to promote the construction of railways, the same being Chapter 29 of the Laws of 1878, as amended by Chapter 41 of the Laws of 1880 as follows:

"From the south easterly side of Fort Street in said Honolulu at its junction with Halekauila Street easterly along said Halekauila Street and the back bay of Honolulu harbor across the flats makai of King Street to Waikiki and through Waikiki to Kapiolani Park and through Kapiolani Park on to Niu, passing makai of Diamond Head and from some point on the north westerly side of Maunakea street makai of King street in said Honolulu, westerly makai of King street, to and along the shore of Pearl River Lagoon to any point at or near the said lagoon."

SECTION 2. Such steam railroads shall not be constructed with any grade over the rate of eighty feet per mile nor with any curve on less than a three hundred feet radius.

SECTION 3. The railroads shall not run so near the public road, except at necessary crossings as to interfere with the same or as to make the use of the public road with horses insecure; nor shall the railroad to Kapiolani Park cross the Waikiki road in more than one place on the route; and such rules and precautions for the crossing shall be required in the Charter as will secure the safety and convenience of the public.

SECTION 4. The construction and equipment of the railroads must be approved by the Minister of the Interior by and with the advice of the King in Privy Council.

SECTION 5. The Charter shall define by survey the entire route of railroads provided for by this Act, which survey must be approved by the King in Privy Council.

SECTION 6. The said Corporation shall, within one year from the date of their charter, begin the construction of that part of the said steam railroad lying between said Fort street and the Kapiolani Park, and shall within two years from the date of the Charter complete and furnish with rolling stock, and open to the public such section of the said road lying between Fort street and Kapiolani Park, and after the expiration of three years from the date of the charter this privilege for all that portion of the proposed lines not at that time occupied by track shall be forfeited.

SECTION 7. Except as herein otherwise provided, the rights and privileges mentioned in the foregoing sections are granted to the said Charles B. Wilson and his associates and assigns upon such terms, conditions and restrictions as are now imposed or may hereafter be imposed by the Laws of the Hawaiian Kingdom in relation to the matter of constructing and maintaining railroads in this Kingdom, and a strict compliance on the part of the said Charles B. Wilson his associates assigns and successors with all the provisions of such laws is hereby required.

SECTION 8. This Act shall take effect and become a Law from and after the date of its approval.

Approved this 29th day of August A. D. 1884.

KALAKAUA, REX.

AN ACT

Granting to William R. Austin and his Associates the right to construct and operate a street railroad upon certain streets of the City of Honolulu.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The right is hereby granted to William R. Austin and his associates and assigns or such corporation as may be incorporated or organized by him or them to construct, lay down, maintain and operate for the term of thirty years from the passage of this Act, a single track street railway with all necessary curves, switches and turn-outs or double track street railway through such of the streets mentioned in this Act as may be permitted by the Minister of the Interior, by and with the consent of the King in Privy Council, along and upon the following streets in the City of Honolulu, commencing at the junction of King street and Nuuanu street, thence easterly along King street and the Waikiki road to Kapiolani Park; from the aforesaid junction along King street westerly to Moanalua from the aforesaid junction northerly along Nuuanu street to the Pali. Also from the junction of Judd street with Nuuanu street along Judd street to Liliha street and along Liliha street to its junction with King. Also from the junction of Beretania street with Nuuanu street along Beretania street to Punahou street, and along Punahou street to Manoa road and along Keeaumoku street from Beretania to King street. Also from the junction of Alakea street with King street, northerly along Alakea street to Beretania street, and southerly along Alakea street to the mauka side of the street along the water front and along Allen street to the Custom House.

SECTION 2. Except as herein otherwise provided, the rights and privileges mentioned in the foregoing section are granted to the said Wm. R. Austin and his associates and

assigns upon such terms, conditions and restrictions as are now imposed or may hereafter be imposed by the laws of the Hawaiian Kingdom in relation to the matter of constructing and maintaining street railroads in the cities of said Kingdom, and a strict compliance on the part of said William R. Austin, his associates, assigns and successors, with all the provisions of such laws is hereby required.

SECTION 3. The Legislature of the Hawaiian Kingdom, or the Minister of the Interior when authorized thereto by the Legislature, may grant to one other corporation and no more the right to use, either of the aforesaid streets for a distance of seventeen hundred feet and no more, upon the following conditions: that each company, person or corporation using the said track jointly shall pay an equal portion for the construction and maintenance of the portion of the track so used jointly.

This Section shall apply to persons and companies as well as corporations.

SECTION 4. Whenever said William R. Austin, his associates, assigns or successors shall elect to operate said railroads or either or any of them in whole or in part by the use of an endless wire rope or cable and stationery steam engines, it shall be lawful for him or them to make all needful and convenient trenches and excavations in any of such streets under which he or they propose to place such rope or cable; and to place in such trenches and excavations all needful and convenient machinery for operating said railways in the manner and by the means aforesaid, and to erect and maintain at convenient and suitable points along the line of the streets under which such wire cables are placed steam and other engines and boilers of ample and sufficient power and to connect the same with said wire cables. All such trenches and excavations shall be beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public. And the frame-work of all trenches in which wire cables are placed shall be constructed in a substantial and workmanlike manner, and the slot or aperture opening into such trenches shall not exceed three-fourths of an inch in width.

SECTION 5. It shall not be lawful for said William R. Austin and his associates and assigns or successors to propel the cars over said railways or either thereof at a rate of speed exceeding eight miles an hour, and for each violation of this provision he or they shall be subject to a penalty of one hundred dollars, to be recovered in the Police Court of Honolulu at the suit of the Attorney-General of the Kingdom to the use of the Government.

SECTION 6. Said William R. Austin, his associates and assigns or successors shall be required by the Minister of the Interior:

Firstly, to construct said railway in such manner as will cause the least obstruction to the free use of the streets in which it may be laid down.

Secondly, to construct said tracks as nearly as possible in the middle of the said streets, unless otherwise directed by the Minister of the Interior.

Thirdly, to pave or macadamize the entire length of the streets used by his or their track between the rails and between the tracks if there be more than one track laid, and to keep the same constantly in repair flush with the streets and with good crossings; such material shall be used in such paving, macadamizing or repairing as may be directed or permitted by the Minister of the Interior.

Fourthly, that said track shall not exceed in width sixty inches within the rails.

Fifthly, that in laying down the track not more than one block shall be obstructed at any one time nor for a longer period than fifteen working days.

Sixthly, that the cars must be of the most approved construction for comfort and convenience and safety of passengers.

Seventhly, that the work in constructing the said railway must be commenced within one year from the passage of this Act, and that the same must be completed within three years thereafter.

Eighthly, the Minister of the Interior by and with the consent of the King in Privy Council, when the narrowness of the street or road requires it, shall compel the Corporation to widen the street, or road at its own expense for obtaining sufficient room for the track, so that it shall not interfere with the ordinary use of the street or road.

SECTION 7. A failure on the part of the said William R. Austin, his associates and assigns or successors to comply with the provisions of this Act shall work a forfeiture of the right of way and of the franchise granted upon such streets as are not occupied by track at the expiration of three years.

SECTION 8. The right to grade, sewer, pave, macadamize or otherwise improve, alter or repair the streets or highways is reserved to the Government and cannot be alienated or impaired, but such work shall be done in such manner as to obstruct the railroad as little as possible; and if required the grantees of the franchise must shift the rails so as to avoid the obstructions made.

SECTION 9. If said railroad or any agent or employee thereof shall demand or charge a greater sum of money for fare on the cars of such railroad than that fixed by this bill, said railroad or such agent or employee shall forfeit to the person who is thus overcharged the sum of one hundred dollars, to be recovered in a civil action in any court having jurisdiction thereof.

SECTION 10. Upon the trial of an action for any of the sums forfeited as provided in the foregoing section, proof that the person demanding or receiving the money as fare or for the sale of a ticket or check, was at the time of making the demand or receiving the money engaged in an office of the railroad or on a vehicle belonging to it, shall be prima facie evidence that such person was the agent, servant or employee of the corporation to receive the money and give the ticket or check mentioned.

SECTION 11. Said William R. Austin, his associates and assigns or successors shall pay in annual payments to the Department of the Interior the sum of ten dollars per annum as a license tax upon each passenger car used by him or them, and no greater sum shall be exacted as car license.

SECTION 12. The rates of fare for each passenger upon the said railroad shall not exceed five cents for each passenger

using said cars up to and within Judd Street, the Industrial School and to and within Punahou Street, and ten cents for each passenger using said cars beyond the last mentioned points.

SECTION 13. The rails of said railroad shall be so laid and the track so constructed that the same shall not interfere or prevent any other railroad company hereafter formed from crossing the roads herein mentioned at any point.

At the expiration of the franchise herein granted it shall be the privilege of the Government to purchase from the owners the tracks, cars, stock and fixtures of said owners at a price to be fixed by arbitrators and an umpire if need be.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

FOREIGN NEWS.

Paris, Sept. 10th.—Direct communication is maintained between Paris and Tonquin. The official journals are silent this morning regarding the reported intention of the Government declaring war against China.

Warsaw, September 11.—Thousands of copies of a Nihilist proclamation are circulated, signed by the Central Committee, Skirnevich. The proclamation says: "In the struggle to sustain the people against the rule of the Czar we ought to have recourse to the same weapons he uses. Our fight is now, as it ever was—a *l'outrance*. We have done justice to the journalist Skirpietky, whose death was wrongly attributed to the violence of thieves. He was executed by us a spy. No traitor escapes." The police have failed to discover the source of the publication of the proclamation. The police, however, have seized a Nihilist at a railway station, disguised as an officer of the guard.

Warsaw, Sept. 11.—The time of the departure of the Emperor of Germany for Skirnevich is kept a secret. The Emperor of Austria will leave the capital on Sunday morning, and after the Imperial Conference will return to Vienna on the 17th, going to Tyrol to inaugurate the Voralberg Railway.

A cable special from London of Sept. 6th says: A case of misery at sea, which exceeds in ghastly horror the cannibalism of the Greely expedition, was brought to light to-day by the arrival at Falmouth of the German bark Montezuma from Rangoon, having on board three survivors of the wrecked yacht Mignonette. The yacht was of only thirty-three tons burden, but sailed from Southampton for Australia on the 19th of May. On the 11th of June, near the equator, in the Indian ocean, she encountered a storm which sent her to the bottom. Four of the company escaped in a dingy from the vessel. They were the commander, Capt. Dudley, two seamen, and a boy named Parker. All the provisions secured before the vessel sank consisted of a few tins of turnips, and they were absolutely without water. They subsisted for five days on canned turnips, and on the fifth day caught a small turtle.

By the twelfth day every shred of the turtle, including the skin, had been consumed, and there was absolutely nothing left to eat on the boat. The boy Parker was the weakest of the sufferers, and it was evident he was slowly dying. The others hungrily watched his symptoms of dissolution. On the twentieth day, after the entire party had been without a particle of food for eight days, the captain hastened young Parker's death by opening a vein in his arm. The three survivors eagerly drank the boy's blood as it gushed from his arm, and cut his flesh from his bones and ate it uncooked, but with some degree of moderation, the captain keeping possession of the body, and serving out to himself and the sailors only such daily rations as were necessary to preserve their lives. They prolonged their wretched existence in this way till July, when they were seen and rescued by the Montezuma. During the twenty-four days after the sinking of the yacht the dingy drifted 980 miles.

In response to the demands of the press to strengthen the British fleet in Chinese waters, a communication has been issued by the Admiralty stating that the Government is preparing to dispatch several corvettes and composite sloops to China. The *Army and Navy Gazette*, however, declares that the Admiralty is trying to throw dust in the eyes of the public to conceal the fact that there is not a single vessel ready to send through the Suez Canal that would be able to sustain an attack by the weakest French ironclad under Admiral Courbet. If there was a ship ready, it says, the Admiralty would be unable to man her without calling on the reserves or forcing the crews at foreign stations to remain beyond their term of service. The *Gazette* asserts that England is in a position of such utter collapse as will take years to remedy.